

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 26 are pending in the application and the Examiner rejected all claims.

The §101 Rejection

On pages 2-6 of the Office Action, the Examiner rejected all of the pending claims under 35 U.S.C. §101 as being directed toward non-statutory subject matter. Claims 1 and 14 have been amended in accordance with the Examiner's suggestion. The Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. § 101.

The Present Invention

The present invention provides a system and method for predicting the likelihood of materialization of pending reservations for the purchase of perishable commodities, reserved as part of a group booking, which system and method provides for the gathering and analysis of *reservation information* pertaining to perishable commodities for which group reservations for purchase have been made in the past, gathering and analysis of *reservation information* pertaining to perishable commodities for which group reservations for purchase are currently pending, and determining, based upon the analysis, the likelihood that a particular pending group reservation will actually be purchased or "materialize".

The term "reservation information" (both past and current) is clearly defined in the specification of the present invention as including commodity details, demographic information, and/or POS information relating to past or current reservations for perishable commodities. All of this *reservation information* is directed to all *reservations* that have been

made. Further, they do not focus on a specific flight or other specific commodity; instead, they are related to all available commodities.

By gathering and analyzing data relating to the reservations on a global basis in this manner, characteristics of purchasers, commodities, and types of purchases can be analyzed and identified and utilized to characterize reservations generally and the people who made them, rather than specifically characterize one particular commodity (e.g., a particular flight).

U.S. Patent No. 4,775,936 to Jung

U.S. Patent No. 4,775,936 to Jung ("Jung") teaches a system which tracks the frequency with which a particular flight experiences overbooking or underbooking, and based on this statistical analysis, increases the point at which that particular flight is considered "closed" to a number greater than 100% of capacity of the aircraft, with the exact percentage greater than 100% being based upon the historical data for that flight.

U.S. Patent No. 5,648,900 to Bowen et al.

U.S. Patent No. 5,648,900 to Bowen et al. ("Bowen") teaches a computerized reservation system including controlling and monitoring of group travel-related services. Using the system of Bowen, an administrator managing a group reservation can make a single change to any one of the master inventory, group control records, group passenger name records, and appropriate changes are automatically made for all within the group. The Examiner relies on Bowen for an alleged teaching of controlling and monitoring of group travel-related services including storing in a storage unit information related to an historical and current group control record comprising information such as the name and ID of the owner and organizer of the group travel, the group name, the wholesaler's address, the phone

number of the owner, the inventory items obtained from a master inventory, the date contained on the inventory item on which unused inventory must be returned to a provider, an airline record locator, departure and arrival cities, the dates of travel.

Claim Rejections, 35 U.S.C. §103

The Rejection of Claims 1-2 and 14-15

On pages 6-9 of the Office Action, the Examiner rejected claims 1-2 and 14-15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,775,936 to Jung.

The Examiner has not Established a *prima facie* Case of Obviousness

As set forth in the MPEP:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143

As noted above, the present invention focuses on *reservation information* relating to past and current reservations for perishable commodities. A reservation, by its nature, is a conditional purchase. The person making the reservation does not need to be induced to make the reservation; by definition, the person making the reservation has already gone beyond that point and has conditionally agreed to make the purchase. Further, *reservation information*, as defined in the specification, is related to all reservations and not simply related to the “traffic information” of Jung, which is limited to information pertaining to a particular flight. Using the Jung system, only information pertaining to a specific flight is analyzed, and based upon past history of that flight, the decisions are made regarding booking levels.

By contrast, the present invention looks not only to information regarding past history of a particular flight, but also looks at details relating to all flights, for example, each purchaser of tickets for any group flight reservation, each person making group reservations for any flight, the type of travel being conducted (e.g., business, pleasure, etc.), whether the person making the reservation is a frequent flyer, etc. In other words, in accordance with the present invention, this reservation information that is gathered and analyzed relates to why a particular person made a reservation and/or group reservation and kept or dismissed the reservation, regardless of the particular flight on which the reservation was made. By analyzing the reservations that make up a group reservation in this manner, a user of the present invention can identify the likelihood that certain group reservations (or portions thereof) will be kept or dismissed, and then book flights accordingly.

This aspect of the present invention is specifically claimed in each of the independent claims:

1. (Currently amended) A method, using a processing device, for materialization forecasting with respect to group reservations made by a group coordinator for the potential purchase of perishable commodities, comprising the steps of:

- gathering past *reservation information* relating to past group reservations for perishable commodities that have already perished;
- gathering current *reservation information* relating to a current group reservation for perishable commodities that have not yet perished;
- comparing said past *reservation information* and said current reservation information, using said processing device;
- calculating, using said processing device, the materialization level of said current group reservation based on said comparison; and
- outputting a materialization forecast result for said current group reservation based on said calculated materialization level.

14. (Currently amended) Computer-readable code embodied on computer-readable media for conducting materialization forecasting with respect to group reservations made by a group coordinator for the potential purchase of perishable commodities, comprising:

first subprocesses for gathering past *reservation information* relating to past group reservations for perishable commodities that have already perished;

second subprocesses for gathering current *reservation information* relating to a current group reservation for perishable commodities that have not yet perished;

third subprocesses for comparing said past *reservation information* and said current *reservation information*;

fourth subprocesses for calculating the materialization level of said current group reservation based on said comparison; and

fifth subprocesses for outputting a materialization forecast result for said current group reservation based on said calculated materialization level.

These claims specifically recite the gathering and analysis of reservation information relating to group reservations. Jung is devoid of any such teachings. Thus, claims 1 and 14, and all claims depending therefrom are in condition for allowance.

Rejection of Claims 3-13 and 16-26

On pages 9-11 of the Office Action, the Examiner rejected claims 3-13 and 16-26 under 35 U.S.C. §103(a) as being unpatentable over Jung and further in view of U.S. Patent No. 5,648,900 to Bowen et al.

As noted above, every pending claim in the present application requires the gathering and analysis of reservation information (pertaining to groups), a term which is clearly defined in the specification and which is clearly not taught or suggested in Jung. The addition of Bowen does not teach or suggest this feature, and nothing in Jung suggests modifying its disclosure to include features that are taught in Bowen. As noted above, the Examiner relies upon Bowen for an asserted teaching of a computerized reservation system for controlling and monitoring group travel-related services, which allows changes to be automatically made for all group members with a single entry or command. Nothing in Bowen teaches or suggests


the use of **reservation information** as taught and claimed in the present invention. Accordingly, the proposed combination of references indicated by the Examiner does not render the remaining claims obvious under 35 U.S.C. §103. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 3-13, and 16-26 under 35 U.S.C. §103.

Conclusion

The present invention is not taught or suggested by the prior art. The claims have been amended per the suggestion of the Examiner. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited. A Petition for a one-month extension of time (in duplicate) and requisite fee is enclosed. The Examiner is hereby authorized to charge any additional fees associated with this Communication to Deposit Account No. 50-0629.

Respectfully submitted

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Date



Mark D. Simpson, Esquire
Registration No. 32,942

SYNNESTVEDT & LECHNER LLP
2600 ARAMARK Tower
1101 Market Street
Philadelphia, PA 19107

Telephone: (215) 923-4466
Facsimile: (215) 923-2189